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EXAMINER

HUNNINGS, TRAVIS R

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* HOLGER LORENZ and KARSTEN HENZE

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Appeal 2009-010979  
Application 10/562,596  
Technology Center 2600

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Before JOSEPH F. RUGGIERO, ROBERT E. NAPPI, and  
DAVID M. KOHUT, *Administrative Patent Judges*.

KOHUT, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the final rejection of claims 1-24. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse the Examiner's rejection of these claims.

INVENTION

The invention is directed to a seat occupancy sensor that measures pressure in at least two locations using switching elements that are activated

by pressure. The switching elements are connected in series in order to implement a logical AND operation. *See* Spec. 3-6. Claim 1 is representative of the invention and is reproduced below:

1. Seat occupancy sensor with at least two pressure actuatable switching elements, said switching elements to be associated to a surface of a seat with a certain distance between them in such a way that a first switching element is associated to a first area of the seat and a second switch element is associated to a second area of the seat, wherein said first switching element and said second switching element are connected together in such a way as to implement a logical AND operation.

#### REFERENCES

Meister	US 5,570,903	Nov. 5, 1996
Bieck	US 2004/0163939 A1	Aug. 26, 2004
Federspiel	US 7,161,460 B2	Jan. 9, 2007 (filed Aug. 27, 2002)

#### REJECTIONS AT ISSUE

Claims 1-6, 9, 10, 13-18, 21, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meister. Ans. 3-7.

Claims 7, 11, 19, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meister in view of Federspiel. Ans. 7.

Claims 8, 12, 20, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meister in view of Bieck. Ans. 7-8.

#### ISSUES

Appellants argue on pages 9-18 of the Appeal Brief and pages 4-5 of the Reply Brief that the Examiner's rejection of claims 1-24 is in error.

These arguments present the following issue: Did the Examiner err in finding that it is obvious to modify Meister to connect the first switching element and second switching element in such a way as to implement a logical AND operation?

### ANALYSIS

We agree with Appellants' arguments that the Examiner erred in rejecting claims 1-6, 9, 10, 13-18, 21, and 22. Claim 1 requires a first switching element and a second switching element connected in order to implement a logical AND operation. Independent claim 13 requires similar limitations. Claims 2-6 and 9-12 and claims 14-24 depend upon claims 1 and 13 (respectively). The Examiner finds that Meister's analyzer can determine "the presence of a sitting person based on any user desired combination of inputs from the sensors" (citing col. 5, ll. 6-32). Based upon that statement, the Examiner finds that it would have been obvious for Meister's analyzer to perform a logical AND operation with the analyzer's sensor inputs. Ans. 4. Appellants argue that the Examiner is misinterpreting Meister because Meister does not determine an occupancy class based "on any user desired combination of output signals." App. Br. 12. Thus, Appellants contend that the Examiner's modification does not specifically disclose a logical AND operation. App. Br. 13. We agree with Appellants.

We do not find any evidence to support the Examiner's conclusion that Meister's analyzer could be used to connect the output signals of the sensors in Figure 6 in a way that performs a logical AND operation. Ans. 9-10. While Meister's analyzer identifies and distinguishes among seat occupancy situations (Col. 5, ll. 22-25), we do not find any evidence that the

analyzer utilizes or is even capable of utilizing a logical AND operation to do it. In response to Appellants' arguments, the Examiner subsequently finds that Meister's Figure 1 discloses two sensors connected in a logical AND manner (Ans. 9-10), thereby disclosing that which is claimed.

However, Appellants correctly argue that one of the sensors in Figure 1 is not a pressure actuatable switching element, whereas the claim requires two pressure actuatable switching elements. Reply Br. 4-5. As a result, the Examiner has not shown that Meister discloses all of the limitations of claim 1. The additional teachings of Federspiel and Bieck do not make up for the deficiencies noted above. Thus, we cannot sustain the Examiner's rejection of claims 1-24.

#### CONCLUSION

The Examiner erred in finding that it is obvious to modify Meister to connect the first switching element and second switching element in such a way as to implement a logical AND operation.

#### SUMMARY

The Examiner's decision to reject claims 1-24 is reversed.

#### REVERSED

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